

Department of Buildings & General Services
2 Governor Aiken Avenue
Montpelier, VT 05633-5801

[phone] 802-828-3314
[fax] 802-828-3533

Agency of Administration

February 20, 2019

Village of Old Bennington
1154 Park Street
PO Box 205
Old Bennington, Vermont 05201

Attn: Mr. Dennis C. McCarthy, Administrative Officer

Re: State of Vermont, Bennington Monument Historic Site Emergency Generator

Dear Mr. McCarthy:

Thank you for the recent communications with your interpretation and definition of how the proposed generator project is interpreted within the local by laws. I agree with your interpretation in that the generator does not meet the definition of a structure and should be considered an appurtenance of the current structures and be viewed no differently than the existing electrical utility components.

The intended addition of an emergency generator is necessary to alleviate a public safety concern that the State of Vermont, Division for Historic Preservation has with public use of the Bennington Monument. In the past there have been unscheduled power outages at the historic site that have affected operation of the monument elevator and lighting system. Site visitors have been stranded in the monument at the observation level and in the elevator car while being transported. The intent is to install an exterior mounted emergency generator near the existing Green Mountain power transformer and meter panel in the northwest corner of the property. The generator would be designed to start automatically and provide emergency power to the monument in the event of a utility power outage.

The generator system is being designed by Robert Kischko, Electrical Engineer with DuBois & King Inc. Their firm is under contract with the State of Vermont, Department of Buildings & General Services who is assisting the Division for Historic Preservation with design, permitting and construction of this project.



Page Two

Letter to Mr. Dennis McCarthy, Administrative Officer, Village of Old Bennington

For the upcoming Planning Commission meeting, I have enclosed the following:

1. Zoning Application for the referenced project and property
2. Generator design drawings EO.1, EO.2 and E1.O dated December 2018
3. Estimate of Probable Construction Cost developed by Dubois & King Engineering
4. SOV Treasurers Check # 0000162625 in the amount of \$345.00 for the permit fee/recording fee

For your information and according to State law, the Town's review of this project is limited to the aspects of the project specified in State Statute Title 24 VSA §4413

(a) The following uses may only be regulated with respect to location, size, height, building, bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use.

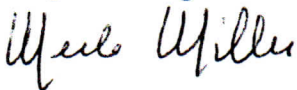
You may or may not have been aware of this State law, but it is important to recognize this statute in the initial stages of permit review.

I also need to note that based on court rulings, the State is not subject to local permitting fees. However, we are aware of permitting expenses incurred locally and have enclosed a \$ 325.00 application fee and a \$20.00 recording fee as indicated on this application. Please note that this payment is not meant to constitute a waiver of the State's exemption from permitting fees and we will be agreeable to discuss other fees which may be associated to the Town's' review of this project.

If you have any questions or concerns regarding the project, please contact me at (802) 828-5695 or email me at merle.miller@vermont.gov. I appreciate your assistance to date and look forward to working cooperatively on the proposed emergency generator project. We believe that it can be a mutually beneficial project for the State and the Village of Old Bennington by assuring that public safety issues for visitors to the historic site are addressed.

Sincerely,

Merle Miller
Project Manager



Copy: Joe Aja, Director of Design and Construction
Tracy Martin, Div. for Historic Preservation
Gregg Harris, Staff Attorney
Master File
Permit File

Bennington VT Town Clerk's Office
at
clock minutes M
book page of
Records
Attest
Town Clerk

APPLICATION FOR ZONING PERMIT

Village of Old Bennington

P.O. Box 1502 Old Bennington, Vermont 05201

(SUBMIT IN DUPLICATE)

Application #
Fee Paid
Date Received
Zone
Date Entered
Complete

VR00-19-1
34500-20.00
02-20-19
RF
03-14-2019

NOTE: Read the instructions on the back of this sheet before proceeding.

NAME OF APPLICANT STATE OF VERMONT ☐ Owner ☒ Agent
DEPARTMENT OF BUILDINGS + GENERAL SERVICES
Address 2 GOVERNOR AIKEN AVE., MONTPELIER, VERMONT 05633 Phone 802-228-3314

NAME OF PROPERTY OWNER (If different from above) STATE OF VERMONT DIV. FOR HISTORIC PRESERVATION
1 NATIONAL LIFE DRIVE, DEANE C. DAVIS BUILDING 6TH FLOOR
Address MONTPELIER, VERMONT 05620-0501

LOCATION OF PROPERTY

TAX MAP: Map 051 Block 015 Lot 65876

LOT SIZE 4.55 acres Frontage on Public Road 1000+ ft. ☒ Public Water ☒ Public Sewer

TYPE OF USE: ☐ Residential ☐ Business ☐ Agricultural ☒ Institutional ☐ Subdivision
☐ Sign ☐ Change of Use ☐ New Construction ☐ Addition ☐ Alteration ☐ Amendment

IF APPLICATION IS FOR CHANGE OF USE: Existing Use

Proposed Use _____ (If business or institutional use, attach description)

IF APPLICATION IS FOR NEW CONSTRUCTION, ADDITION, ALTERATION OR AMENDMENT: Describe

ADD AN EMERGENCY GENERATOR IN THE N.W. CORNER OF
THE PROPERTY TO OPERATE THE MONUMENT POWER NEEDS IN EMERGENCIES.
BUILDING Length 37 ft. Width 37 ft. Height 306 ft. No. of Stories N/A

SETBACK FROM PROPERTY LINES: Front _____ ft. Rear _____ ft. Side _____ ft. Side _____ ft.

COST OF PROJECT \$75,000.00 (Include land preparation and all subcontractors' costs. Attach builder's estimate, if available.) Appropriate fee (see fee schedule) must accompany application.

I understand I must secure a certificate of use/occupancy before using or occupying this structure.
I hereby certify that all statements contained herein and in all accompanying documents are true and correct, to the best of my knowledge.

Date 2/4/19

Applicant's Signature

Wanda Miller

ZONING ADMINISTRATOR'S REPORT

(Office Use Only)

ACTION: To P.C.

Referred to PC (DCM)

Date 04-08-2019

☐ Approved

☐ Approved with conditions

☐ Denied

Date

CONDITIONS/COMMENTS:

Start Date

Completion Date

Dennis McElhenny
ZONING ADMINISTRATOR

No changes from approved plan may be made during construction without PRIOR approval of the zoning administrator.

An interested party may appeal any decision of the zoning officer within 15 days of such decision. A decision of the Planning Commission, if one is required for this permit, has an appeal period of 30 days. The dates of these appeals were _____ for the zoning officer and _____ for the Planning Commission. This permit shall take effect only after the time for the zoning officer's appeal has passed. As a condition of this permit, construction hours are limited to 8:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 2:00 p.m. on Saturdays. No work is allowed on Sundays or national holidays. This permit shall expire and have no effect unless substantial construction has commenced within one year of the date the permit was granted. An extension is granted before the permit expires the applicant must restart the application process.

ABBREVIATIONS, LEGEND:

P FEDERAL MOUNTING DETAIL
EQ.1 / SCALE: NO SCALE

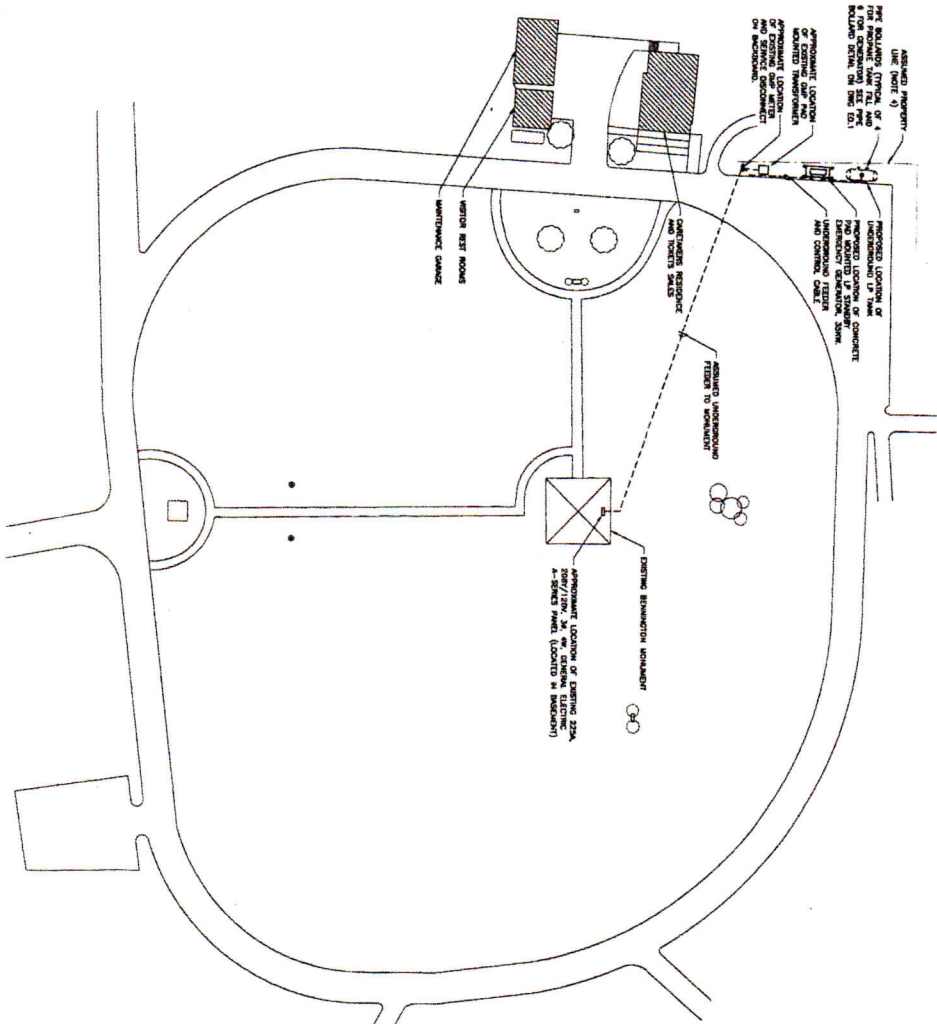
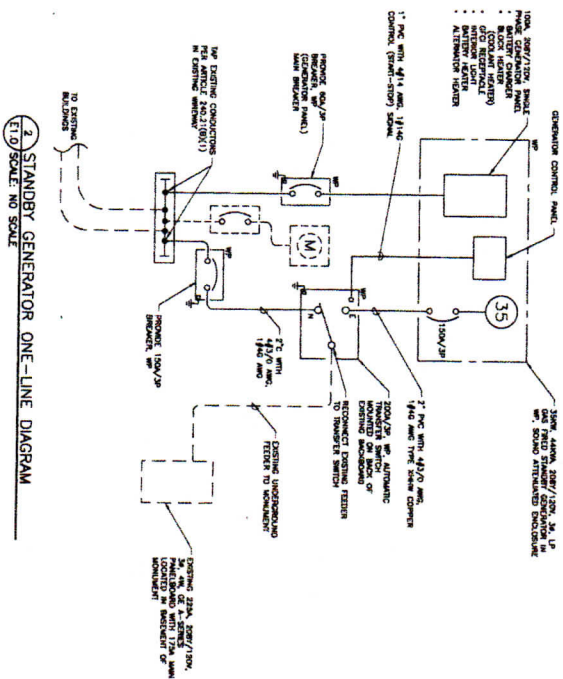
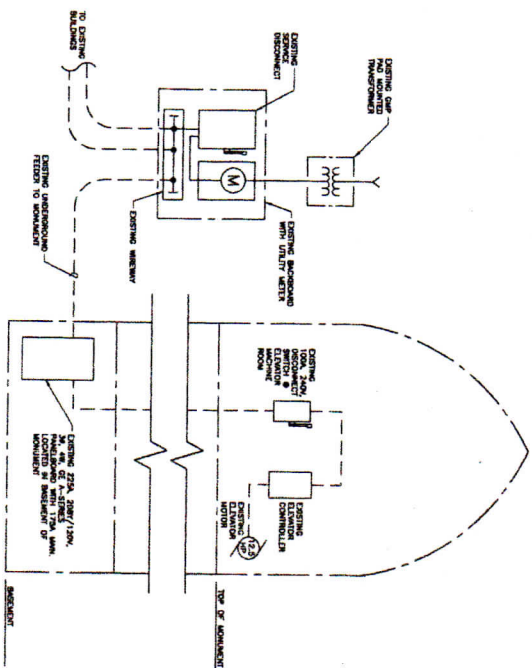
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1. PROVIDE NAMEPLATES FOR ALL PANELS, TRANSFER SWITCHES, DISCONNECTS, SURGE PROTECTION DEVICES AND ENCLOSED ELECTRICAL EQUIPMENT, TYPICAL.
2. PROVIDE NEW TYPED DIRECTORY CARDS FOR ALL PANEL/BOARDS THAT HAVE BEEN ADDED.
3. SECURE NAMEPLATE TO SURFACES WITH (2) 1/4" HEAD BRASS SCREWS, SPAL WATERPROOF W/ SILICONE.
4. 24" DIAMETER CLASS A CONCRETE FOUNDATION (SEE SPECIFICATIONS).
5. 12" DIAMETER CONCRETE PIPE (1" THICK).
6. FINISHED SLOPE GRADE.
7. CONCRETE FILLED.
8. TYPICAL.
9. EQUIPMENT NAMEPLATE DETAIL
10. NOT TO SCALE

3

[illegible]

WITH MANUFACTURER'S

14. SOIL WHICH REQUIRES REMOVAL FOR THE INSTALLATION OF FENCE POSTS, SUPPORT PEDISTAL STRUCTURES, CONCRETE PADS (FOR NEW PAD MOUNTED EQUIPMENT) ETC., SHALL BE DISPOSED OF AS DIRECTED BY THE STATE OF VERMONT.



1. REFER TO DWG. E.O.1 FOR NOTES, SYMBOLS, LEGEND, AND MSG. DETAILS
2. EXACT LOCATION OF TP TANK, AND STANDBY EMERGENCY GENERATOR TO BE COORDINATED WITH BSS.
3. LOCATIONS OF EXISTING TREES, SHRUBS, UNDERGROUND UTILITIES/CONDUIT, BURNED AREAS, "PANCHEN", SODALMAS, ETC. ARE APPROXIMATE AND MUST BE FIELD VERIFIED.
4. CONTRACTOR SHALL OBTAIN PROPERTY SURVEY DATA FROM STATE BSS AND COORDINATE LOCATION OF GENERATOR AND BURNED TP TANK PRIOR TO ANY WORK.

PILMER AND UOILL
FORMERLY STATE OF VERMONT
REF BK 10 PG 24

LANDS OF ERIC PILMER
AND NINA UOILL
DEED REF BK 0-237 PG 97
AND BK 0-284 PG 81

LANDS OF ANNE GATLING
DEED REF BK 0-24 PG 99

LANDS OF PETER J. MORRIS
DEED REF BK 0-288 PG 224

LANDS OF
OLD FIRST CHURCH PARSONAGE

MONUMENT AVENUE
MONUMENTED AS
TRAIL

LANDS OF SALVATORE AND ETHEL
SANTORNO
DEED REF BK 0-170 PG 188

LANDS OF ELIOT AND SARAH ROBINSON
DEED REF BK 0-177 PG 222

LANDS OF HELENE TOOLAN
DEED REF BK 0-158 PG 138

LANDS FORMERLY OF
MARY R. SANFORD

DEED REF BK 0-13 PG 95
DEED REF BK 0-12 PG 159

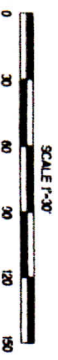
LANDS OF FIRST CONGREGATIONAL
CHURCH OF BENNINGTON

OLD FIRST
CHURCH
BARN

198,308.06 S.F.
4.553 AC.

DISCONTINUANCE
NO SURVEY BK 1 PG 18-20

MALDEN ROAD
FORMERLY KNOWN AS ELM STREET



NO.	BEARS	QUARTERS
1	568.12	2.28
2	568.12	2.28

I HEREBY CERTIFY THAT THIS SURVEY
WAS MADE ON THE GROUND BASED ON
CONSISTENT WITH THE RECORD DEEDS
(EXCEPT WHERE NOTED)

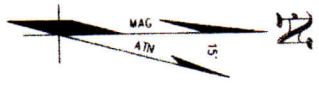
John L. Smith
15472

REVISION / DATE / REMARKS	
NOV 2002	ONE F. B. M. C. D. M. A. M.
BENNINGTON BATTLE MONUMENT STATE OF VERMONT BENNINGTON BATTLE MONUMENT	

BENNINGTON BATTLE MONUMENT
DEED REFERENCE NO SURVEY BK
EDWARD RICE, SURVEYOR REC. 1

NOTE: THERE ARE AREAS OF DE
SURVEY NOT BEING FIELD TO B

- LEGEND
- 2" DIAMETER IRON BAR (CON
WARRIERS CALLED FOR IN B
BATTLE MONUMENT GROUND
 - UP UTILITY POLE
 - IRON PIPE
 - CB STORM WATER CATCH BAS
 - OR + FNC PST IRON OR STI



Date: 12/20/18

1.00

1.00

[illegible]